

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GEORGE H. BUABBUD and MUNEER ZUHDI

Application No. 09/540,955

MAILED

DEC 29 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

APPEAL BRIEF

On February 18, 2005, Appellant filed an Appeal Brief in response to the Final Rejection mailed August 11, 2004. Appellant authorized any necessary fee to be applied to Deposit Account 50-1432. The required Appeal Brief fee is \$500 and has not been charged against the Deposit Account to date.

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In summary, the Appeal Brief fee (\$500) needs to be charged against the Deposit Account (50-1432).

EXAMINER'S ANSWER

The Examiner's Answer filed June 27, 2005, does not comply with the headings as set forth in the new rules under 37 CFR § 41.37. Correction is required.

REPLY BRIEF

A Reply Brief in response to the Examiner's Answer dated June 27, 2005, was filed on August 29, 2005. However, a review the Image File Wrapper (IFW) reveals that the Reply Brief has not been considered or acknowledged by the examiner.

A written communication notifying appellant of the Examiner's receipt and consideration of the Reply Brief is required.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) have Appeal Brief fee (\$500) charged against the Deposit Account 50-1432;
- 2) to issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004;
- 3) proper acknowledgment and consideration of any Reply Brief filed in response to the substitute Appeal Brief; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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